

**Amendments to the Drawings**

The attached sheet of drawings includes changes to Figure 7. This sheet, which includes Figure 7, replaces the original sheet included Figure 7.

Attachment: Replacement Sheet

**REMARKS**

Claims 1-5, 8-13, 16, 22 and 23 are pending in the application.

Claims 1-5, 8-13, 16, 22 and 23 have been rejected.

Claims 1, 9 and 23 have been amended.

Unless otherwise specified in the below discussion, Applicants have amended the above-referenced claims in order to provide clarity or to correct informalities in the claims. Applicants further submit that, unless discussed below, these amendments are not intended to narrow the scope of the claims. By these amendments, Applicants do not concede that the cited art is prior to any invention now or previously claimed. Applicants further reserve the right to pursue the original versions of the claims in the future, for example, in a continuing application.

**Drawings**

The Office Action objects to Figure 7 of the application on the grounds that element 705 “indicates non-realtime information as ‘non-RT information’, wherein the rest of the fig. refers [to] the non-realtime information as ‘N-RT information’.” Office Action, p.2. Applicants have amended Figure 7 to change the label for non-realtime information in element 705 to be consistent with the rest of the figure. Applicants respectfully submit that no new matter is added by this amendment and that by these amendments the objections have been responded to.

*Rejection of Claims Under 35 U.S.C. §112*

The Office Action rejects independent Claims 1 and 23 on the basis that claim elements “significant delay” and “without significant delay” purportedly have no antecedent basis. Applicants respectfully traverse this rejection.

“The meaning of every term used in any of the claims should be apparent from the descriptive portion of the specification with clear disclosure as to its import.” MPEP 608.01(o). Applicants submit that the objected to claim elements find antecedent basis within the originally-filed specification of the present Application.

Applicants respectfully submit that claim elements “significant delay” and “without significant delay” find antecedent basis at least in paragraph [0018] of the originally-filed application, wherein the terms “realtime” and “non-realtime” information are defined in terms of “significant delay” and without significant delay.

Realtime information refers to the information that can be quickly retrieved or generated so that the presentation system can include the information on the display page without significant delay in presenting the display page to a user. Non-realtime information, in contrast, refers to information that cannot be quickly retrieved or generated so that the presentation system would need to significantly delay presenting the display page to a user.

Application, ¶ [0018]. Applicants respectfully submit that this language in the originally-filed Application provides sufficient meaning to the objected-to terminology.

For at least these reasons, Applicants submit that the terminology used in independent Claims 1 and 23 has sufficient antecedent basis in the Application and that these claims are allowable over the cited section of 35 U.S.C. § 112. Applicants therefore respectfully request the Examiner’s reconsideration and withdrawal of the rejections to these claims and an indication of the allowability of same.

Rejection of Claims Under 35 U.S.C. §103

Claims 1-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,168,045 issued to Fliess (“Fliess”), U.S. Patent Publication No. 2004/0104947 naming Schmitt as inventor (“Schmitt”) and U.S. Patent Publication No. 2004/0128618 naming Datta as inventor (“Datta”). Applicants respectfully traverse this rejection.

In order for a claim to be rendered invalid under 35 U.S.C. §103, the subject matter of the claim as a whole would have to be obvious to a person of ordinary skill in the art at the time the invention was made. *See* 35 U.S.C. §103(a). This requires: (1) the reference(s) must teach or suggest all of the claim limitations; (2) there must be some teaching, suggestion or motivation to combine references either in the references themselves or in the knowledge of the art; and (3) there must be a reasonable expectation of success. *See* MPEP 2143; MPEP 2143.03; *In re Rouffet*, 149 F.3d 1350, 1355-56 (Fed. Cir. 1998).

Fliess provides a mechanism for purportedly modeling business objects as graphic objects. *See* Fliess 1:20-23. Part of this mechanism is a “portal” that “provides an entry point for, and an interface to, the services provided by the business management consolidation system.” Fliess 5:54-56. Fliess’ portal is equated by the Office Action with the previously claimed “receiving a request” and “generating a display page” limitations. Office Action, p.3. But the cited sections of Fliess do not make a distinction between realtime and non-realtime information, as required by the claims. No portion of the cited sections acknowledges that Fliess’ portal must handle realtime and non-realtime information in different manners. Instead, Fliess handles all data in the same manner.

The Office Action cites to Fliess Figure 6 (element 670) as purported disclosure of requiring generation of non-realtime data. *See* Office Action, p.3. But there is no disclosure in the section of Fliess that relates to Figure 6 that the information provided by the “reporting and analysis module 670” either (a) is non-realtime information as defined by the amended claims or (b) handled by Fliess’ portal in a manner that is different from realtime data. *See* Fliess 7:43-63. Instead, this section merely provides that element 670 can purportedly support “powerful and intuitive graphical user interfaces” that create an “efficient interface for high level business management activities.” Fliess 7:48-51. Applicants submit that if Fliess’ “reporting and analysis module 670” is “efficient,” then information produced by that module does not meet the definition of non-realtime information.

The Office Action suggests that since there are charts and reports generated by Fliess’ “business objects” and “graphic objects” that there is “significant delay relative to the display of the realtime information, because extra steps are needed to transform realtime ‘business objects’ to non-realtime ‘graphic objects.’” *See* Office Action, p.4. But nowhere in Fliess is such a disclosure made that there is any type of “significant delay.” Further, Fliess itself makes no distinction in how data is handled in display. Since there is no explicit disclosure of such a “significant delay,” the Office Action must be making an argument that such disclosure is inherent in Fliess. But in order for inherent disclosure to be present, the argued to be inherently disclosed must necessarily be present and the Office Action must provide evidence of such necessity. The Office Action makes no such evidentiary showing that Fliess’ graphic objects meet the definitions of the claimed non-realtime information. Again, there is no portion of the cited sections of Fliess that provides for a different handling of realtime and non-realtime

information. In fact, Fliess appears to only provide for displaying retrieved data as graphic objects. *See, e.g.,* Fliess, Abstract (“the technique includes: receiving information describing a plurality of business objects, and modeling the business objects as graphic objects”).

The Office Action cites to Schmitt for purported disclosure of displaying a not yet ready indication. The cited section of Schmitt provides for purported display of “content status” on a “status/notification bar.” *See* Schmitt, ¶ [0043]. Schmitt states that the “status/notification bar” is used to “inform the user of changes to underlying information sources, availability of applications, action items due, configuration of the portal such as date and time, or other portal environmental information.” Schmitt, ¶ [0036]. “Content status” monitoring is disclosed to include “monitoring the states of content and alerts, such as prompts for when the content requires user input and when the content is outputting information.” *See* Schmitt, ¶ [0046]. Schmitt makes no disclosure that the “status/notification bar” provides information regarding to whether non-realtime data is not yet ready for display, as claimed.

Further, the amended claims provide for the indication that the non-realtime information is not yet ready for display in the location in which the non-realtime information will be displayed. Schmitt makes no such provision. Instead, Schmitt’s “status/notification bar” is disclosed to be in a fixed location. *See, e.g.,* Schmitt Fig. 4 (element 408). In light of Schmitt’s disclosed purpose for the “status/information bar” this make logical sense since a user would want to look in a consistent location for the type of information that Schmitt’s “status/notification bar” provides. Schmitt, ¶ [0036] (“changes to the underlying information sources, availability of applications, action items due, configuration in the portal such as date and time, or other portal environmental

information”). Because of the information Schmitt purports to provide with the “status/notification bar,” Schmitt does not contemplate the need to provide status information in various locations of a web page, as claimed. Support for these amendments to the claims can be found, for example, in Figure 1.

For at least these reasons, Applicants respectfully submit that neither Fliess, Schmitt, nor Datta provide disclosure of all the limitations of the independent claims.

In addition, Applicants submit that the Office Action fails to provide any motivation to combine the references. Such motivation must be supported by evidence within the references themselves. For example, Fliess does not contemplate distinguishing between realtime and non-realtime information display. In fact, the cited sections of Fliess treat all information in the same manner. Datta also does not contemplate providing an indication that non-realtime data is not yet ready for display. In fact, data that is not yet ready is generated according to conventional script logic at the time it is needed. *See, e.g.*, Datta ¶¶ [0094] (branching to generate content element), [0095] (in the case of a component miss, the component is generated according to conventional script logic).

Fliess, Schmitt and Datta do not contemplate the problem or the solution provided by the present application. Without such an indication within the references themselves to provide motivation to combine the references in the manner suggested by the Office Action is tantamount to using the claims of the Application themselves as a blueprint for the combination, which is expressly forbidden by current case law.

For at least these reasons, Applicants submit that neither Fliess, Schmitt, nor Datta, alone or in combination, disclose all the limitations of independent Claims 1 and 23 and all claims depending therefrom. Further, Applicants submit that there is no

motivation to combine these references and that one would not expect success from such a combination. Applicants therefore respectfully request the Examiner's reconsideration and withdrawal of the rejections to these claims and an indication of the allowability of same.

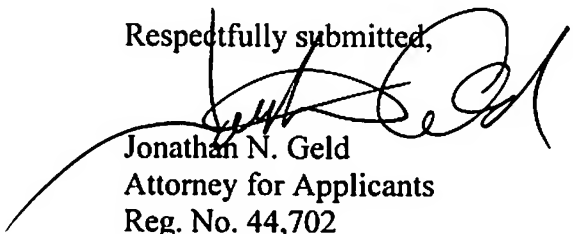


**CONCLUSION**

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5090.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,



Jonathan N. Geld  
Attorney for Applicants  
Reg. No. 44,702  
(512) 439-5090 [Phone]  
(512) 439-5099 [Fax]